

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

AGREED MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff Entropic Communications, LLC, with Defendant Charter Communications, Inc.’s agreement, hereby moves to amend the Docket Control Order (Dkt. 40), in its current form of the Third Amended Docket Control Order (Dkt. 89), to extend the deadline to complete expert discovery by fourteen (14) days, to extend the deadline for Dispositive Motions and Motions to Strike Expert Testimony and the corresponding responses by fourteen (14) days, and to extend the deadline for Pretrial Disclosures and the corresponding responses by ten (10) days.

Good cause exists for these extensions due to the need to incorporate information from recent discovery, both party and third-party, into supplemental expert reports and the expert discovery schedule (*see* Dkt. 138 (approving certain out-of-time discovery)). Considerable discovery has occurred since opening expert reports were served, including the production of over 12,000 documents by Charter, two 30(b)(6) depositions of Charter witnesses, a deposition of third-party Broadcom, and documents produced by third parties Broadcom, Vantiva, and Ubee (the parties expect Ubee’s production will occur today or tomorrow). This extension will allow the parties to agree on a comprehensive expert supplementation and discovery schedule that allows both sides to address or rebut necessary issues and still present timely dispositive motions or

motions to strike to the Court on a briefing schedule that will close several weeks in advance of the October 30, 2023 pretrial conference. Specifically, the parties have agreed that Entropic's damages expert Stephen Dell will supplement his expert report no later than August 28, 2023, and that Charter's damages expert Christopher Bakewell will supplement his expert report in rebuttal at a date to be agreed upon after Entropic's supplemental report is served, but to be served with sufficient time to complete expert discovery under the schedule contained in this motion. Lastly, the parties have agreed that Entropic may serve a five (5) page supplemental report on infringement from Dr. Shukri Sourì as to the '008 Patent based on testimony from third-party Broadcom on August 16, 2023 and that Charter's expert Dr. Kevin C. Almeroth will supplement his rebuttal report at a date to be agreed upon after Entropic's supplemental report is served. Charter reserves the right to move to strike Mr. Dell's supplementation and Dr. Sourì's supplementation as untimely or because Entropic failed to disclose its position in fact discovery. This proposed amendment avoids what would otherwise likely be competing opposed motions for leave or to strike supplementation occasioned by the recent fact discovery. The amendment to the pretrial disclosure deadlines also allow the parties to complete pretrial disclosures reasonably after dispositive motions are filed, but sufficiently in advance of the pretrial conference to appropriately narrow pretrial disputes before presentation to the Court.

This extension will not affect any of the other remaining deadlines or the trial date in this action. Counsel for the Parties have conferred on this extension and are in agreement.

Accordingly, the Parties respectfully request that the Court amend its Docket Control Order to extend the deadline to complete expert discovery by fourteen (14) days, to extend the deadline for Dispositive Motions and Motions to Strike Expert Testimony and the corresponding responses by fourteen (14) days, and to extend the deadline for Pretrial Disclosures and the corresponding

responses by ten (10) days. These extensions are reflected in the proposed Amended Docket Control Order submitted herewith.

Dated: August 23, 2023

Respectfully submitted,

/s/ James Shimota

James Shimota

Jason Engel

George Summerfield

Katherine L. Allor

Samuel P. Richey

Ketajh Brown

K&L GATES LLP

70 W. Madison Street, Suite 3300

Chicago, IL 60602

Tel: (312) 807-4299

Fax: (312) 827-8000

jim.shimota@klgates.com

jason.engel@klgates.com

george.summerfield@klgates.com

katy.allor@klgates.com

samuel.richey@klgates.com

ketajh.brown@klgates.com

Nicholas F. Lenning

Courtney Neufeld

K&L GATES LLP

925 Fourth Avenue, Suite 2900

Seattle, WA 98104-1158

Nicholas.lenning@klgates.com

courtney.neufeld@klgates.com

Darlene Ghavimi

Matthew Blair

K&L GATES LLP

2801 Via Fortuna, Suite #650

Austin, Texas 78746

Darlene.ghavimi@klgates.com

Matthew.blair@klgates.com

Christina N. Goodrich

Connor J. Meggs

K&L GATES LLP

10100 Santa Monica Blvd., 8th Floor
Los Angeles, CA 90067
Tel: (310) 552-5031
Fax: (310) 552-5001
christina.goodrich@klgates.com
connor.meggs@klgates.com

Wesley Hill
Texas Bar No. 24032294
Andrea Fair
Texas Bar No. 24078488
WARD, SMITH & HILL, PLLC
1507 Bill Owens Pkwy
Longview, TX 75604

*Attorneys for Plaintiff Entropic
Communications, LLC*

/s/ Elizabeth Long (with permission)

Daniel L. Reisner
David Benyacar
Elizabeth Long
Albert J. Boardman
Palak Mayani Parikh
Melissa Brown
**ARNOLD & PORTER KAY
SCHOLER LLP**
250 West 55th Street
New York, New York 10019-9710
Daniel.reisner@arnoldporter.com
David.benyacar@arnoldporter.com
Elizabeth.long@arnoldporter.com
Albert.boardman@arnoldporter.com
Palak.mayani@arnoldporter.com
Melissa.brown@arnoldporter.com

Deron R. Dacus
State Bar No. 00790553
The Dacus Firm, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
ddacus@dacusfirm.com

*Attorneys for Defendant Charter
Communications, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this the 23rd day of August, 2023.

/s/ James Shimota
James Shimota

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(i) that the relief requested in this motion is agreed.

/s/ James Shimota
James Shimota